

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRANDON G. ADAMS,

Case No.: 2:22-cv-00076-APG-VCF

Plaintiff

Order Accepting Report and Recommendation

V.

REBECCA L. BURTON, et al.,

Defendants

[ECF No. 8]

8 On February 8, 2022, Magistrate Judge Ferenbach recommended that I dismiss plaintiff
9 Brandon Adams' complaint because (1) it appears Adams is seeking to appeal state court rulings
10 in a family law case over which this court has no jurisdiction; (2) defendants Rebecca Burton,
11 Linda Bell, and Cecilia Dixon would be entitled to absolute and quasi-judicial immunity; (3) and
12 Adams cannot state a claim under 42 U.S.C. § 1983 against defendant Yvette Adams, who is the
13 mother of Adams' children, because she is not a state actor. ECF No. 8. Adams objects, arguing
14 that by recommending dismissal, Judge Ferenbach is violating Adams' Seventh Amendment
15 right to a jury trial. ECF No. 9 at 1. Adams also references treaties; oaths of office; the First,
16 Fifth, Six, Eighth, and Fourteenth Amendments; and fraud on the court because the court's
17 caption does not reflect a jury demand even though his complaint indicated that he wanted a jury.
18 ECF Nos. 9, 13.

19 Reviewing the matter de novo, dismissal is warranted. *See* LR IB 3-2(b). First, Adams
20 does not dispute that his complaint is an appeal of the state court’s rulings over which this court
21 has no jurisdiction; that defendants Burton, Bell, and Dixon are entitled to judicial immunity; or
22 that he cannot plausibly assert a § 1983 claim against Yvette Adams, who is not a state actor. He
23 therefore fails to state a claim against any defendant over which this court has jurisdiction.

1 Second, dismissing a claim where the law compels dismissal (as it does here) does not
2 violate the Seventh Amendment. *See In re Slatkin*, 525 F.3d 805, 811 (9th Cir. 2008) (“As the
3 Supreme Court held, over one hundred years ago, a summary judgment proceeding does not
4 deprive the losing party of its Seventh Amendment right to a jury trial.”). Finally, the court
5 caption has been corrected to show that Adams requested a jury trial. Consequently, there is no
6 fraud on the court.

7 I THEREFORE ORDER that Magistrate Judge Ferenbach’s report and recommendation
8 (**ECF No. 8**) is accepted. Plaintiff Brandon Adams’ complaint (ECF No. 1-1) is dismissed. The
9 clerk of court is instructed to close this case.

10 DATED this 2nd day of March, 2022.



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12 ANDREW P. GORDON
13 UNITED STATES DISTRICT JUDGE
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